

ointment, containing essentially turpentine, camphor, and tarry material; and that the headache powders were white powders containing chiefly acetanilid, caffeine, tartaric acid, and sugar.

The articles were alleged to be misbranded in that statements regarding their therapeutic and curative effects, appearing on the labels, falsely and fraudulently represented that the Veterinary Salve was effective in the treatment of cowpox, caked bags, and all infectious eruptions, and effective to heal and to leave the surface soft and smooth; and that the headache powders were effective in the treatment of all kinds of headache and neuralgia, sick headaches, la grippe, fever, rheumatic pains, gout, and chest pains. The headache powders were alleged to be misbranded further in that the statement on the label, "Kalo's Headache Powders Contain Acetanilide three and one-half grains to each powder," was false and misleading since it represented that each of said powders contained  $3\frac{1}{2}$  grains of acetanilid, whereas a portion contained more than  $3\frac{1}{2}$  grains and the remainder contained less than  $3\frac{1}{2}$  grains; and in that they contained acetanilid and the label on the package failed to bear a statement of the quantity or proportion of acetanilid contained therein.

On February 28, 1938, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28687. Adulteration and misbranding of solution of citrate of magnesia. U. S. v. Robert Sugerman (Dytex Chemical Co.). Plea of guilty. Fine, \$50. (F. & D. No. 39795. Sample No. 20855-C.)**

This product differed from the standard laid down in the United States Pharmacopoeia since it contained magnesium sulphate, a substance not prescribed by the pharmacopoeia, and it contained less magnesium sulphate than prescribed by that authority.

On October 20, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Robert Sugerman, trading as the Dytex Chemical Co., at Providence, R. I., alleging shipment by said defendant in violation of the Food and Drugs Act on or about March 12, 1937, from the State of Rhode Island into the State of Massachusetts of a quantity of solution of citrate of magnesia which was adulterated and misbranded. The article was labeled in part: "Effervescent Solution of Citrate of Magnesia, Not U. S. P. \* \* \* Prepared by Dytex Chemical Co."

It was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia since it contained magnesium sulphate, a substance not prescribed by the pharmacopoeia, and less magnesium citrate than prescribed therein; and its own standard of strength, quality, and purity was not declared on the container.

It was alleged to be misbranded in that the statements, "Citrate Magnesia," blown on the bottles, and "Solution of Citrate of Magnesia," borne on the label, were false and misleading since they represented that it was citrate of magnesia and that it was solution of citrate of magnesia; whereas it was a product which contained magnesium sulphate, a substance not prescribed by the pharmacopoeia, and less magnesium citrate than prescribed therein. The article was alleged to be misbranded further in that it was a product which contained magnesium sulphate, and less magnesium citrate than prescribed by the United States Pharmacopoeia, and was offered for sale and sold under the name of another article, citrate of magnesia.

On February 14, 1938, a plea of guilty was entered by the defendant and he was sentenced to pay a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28688. Adulteration and misbranding of Malto-De. U. S. v. Adah Alberty (Alberty Food Products). Plea of nolo contendere. Fine, \$150. (F. & D. No. 39838. Sample No. 36388-C.)**

This product was adulterated and misbranded because it contained materially less calcium, phosphorus, and vitamin D than declared; and was misbranded further because of false and fraudulent curative and therapeutic claims in the labeling.

On December 27, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Adah Alberty, trading as Alberty Food

Products, Hollywood, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about April 2, 1937, from the State of California into the State of Washington, of a quantity of Malto-De which was adulterated and misbranded. The product was labeled in part: "Malto-De \* \* \* The Alberty Laboratories \* \* \* Hollywood, California."

Analysis showed that the product consisted essentially of sugars (including lactose, dextrose, and sucrose), cocoa, a powder resembling malted milk, and minute portions of calcium and phosphorus compounds. Vitamin assay of a sample showed that it contained less than three-fourths of a U. S. P. unit of vitamin D per gram.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its curative and therapeutic efficacy, borne in a booklet wrapped around the can containing it, falsely and fraudulently represented that it was effective to correct a deficiency in calcium, phosphorus, and vitamin D; to obtain complete growth, strong, well-formed bones, sound, hard teeth; to maintain the perfect skeletal structure of the human body, and to obtain and preserve the normal, balanced relationship of phosphorus and calcium in such body; to prevent brittleness in the bones of aged persons; to promote an optimum state of health and vigor, to increase resistance to bacteria and to postpone senility and death; to protect living teeth against decay; to "regulate phosphorus metabolism and calcium;" to eliminate and prevent rickets; to develop normally the bones and teeth and to promote general good health; to avert poor bone development, muscular weakness, decayed, crowded, and uneven teeth and difficulty in childbirth; to revitalize cell life, to increase strength and pulsation of the heart; to correct defects in blood coagulation; to reinforce body resistance in fever and disease; to reduce nervousness; to tone the nerves, to prevent oxalic acid poisoning, to promote concentration of thought, to give will power, to eliminate magnesium deposits and tooth decay, to combat actively the toxic effect of colon types such as bacillus enteritidis, to change the intestinal flora, to change the intestinal bacteria from acid to alkaline, to eliminate scurvy; to cure "celiac (carbohydrate disturbance) and Sprue diseases," and to definitely control calcium and phosphorus utilization.

The article was alleged to be misbranded further in that the following statements on the label of the can containing it, "Malto-De. Containing Calcium Phosphorus. D. Exceptionally Rich in Sunshine Vitamin 'D.' Malto-De. Contains 12½ percent Soluble Calcium and Phosphorus to each pound mix and Sunshine Vitamin 'D.' Eight heaping teaspoonsful approximately equal the calcium, phosphorus content in a quart of milk. Two rounding teaspoonsful of Malto-De when added to an eight ounce glass of milk is equal to: The Calcium value of 4¼ glasses of milk. The phosphorus value of 2¾ glasses of milk. The Vitamin 'D' value of 6 to 29 glasses of milk. One glass of average milk to which has been added one ounce portion (2 tps.) Malto-De will be increased in potency as follows; Calcium value 370%. Phosphorus value 225%. Vitamin 'D' value 600% to 4650%," were false and misleading since the article was a mixture consisting essentially of sugars (including lactose, dextrose, and sucrose), which constituted approximately 90 percent of the article, cocoa, a powder resembling malted milk, calcium and phosphorus compounds not exceeding 1 percent, and less than three-fourths of a unit of vitamin D of United States Pharmacopoeia standard per gram.

The article was alleged to be adulterated in that it was sold under the following professions regarding its standard of strength, quality, and purity, (can) "Contains 12½ per cent Soluble Calcium and Phosphorous to each pound mix. Eight heaping teaspoonsful approximately equal the calcium, phosphorous content in a quart of milk. Two rounding teaspoonsful of Malto-De when added to an eight ounce glass of milk is equal to the calcium value of 4¼ glasses of milk. The phosphorous value of 2¾ glasses of milk. The vitamin 'D' value of 6 to 29 glasses of milk. One glass of average milk to which has been added one ounce portion (2 tsp.) Malto-De will be increased in potency as follows: Calcium value 370%. Phosphorous value 225%. Vitamin 'D' value 600% to 4650%," and (booklet) "One glass of average milk to which has been added one ounce portion (2 teaspoonsful) of Malto-De is equal to the calcium value of 4¼ glasses of milk. The phosphorus value of 2¾ glasses of milk. The vitamin 'D' value of 6 to 29 glasses of milk. One glass of average milk to which has been added one ounce portion (2 teaspoonsful) of Malto-De will be increased in potency as follows: Calcium value 370%. Phosphorus value 225%. Vitamin 'D' value 600% to 4650%. Calcium Phosphorus—8 heaping teaspoonsful of Malto-De

approximately equal the calcium, phosphorus content in a quart of milk. This drink contains 12½ per cent soluble calcium and phosphorus to each pound mix"; and its own strength and purity fell below the aforesaid professed standard and quality.

On December 27, 1937, the defendant entered a plea of nolo contendere and the court imposed a fine of \$150.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28689. Misbranding of Mentho-Kerchief. U. S. v. 539 Packages of Mentho-Kerchief. Default decree of condemnation and destruction. (F. & D. No. 39131. Sample No. 12940-C.)**

The labeling on this product bore false and fraudulent representations regarding its curative and therapeutic effectiveness.

On February 25, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 539 packages of Mentho-Kerchief at Washington, D. C., alleging that the article had been shipped in interstate commerce, on or about January 25, 1937, from Shamokin, Pa., by the Rieser Co., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of tissue paper impregnated with menthol.

The article was alleged to be misbranded in that the following statements appearing on the packages, regarding its curative or therapeutic effects, were false and fraudulent: "Use for \* \* \* Sinus and Hay Fever \* \* \* Sinus—Hay Fever \* \* \* Nothing like Mentho-kerchief to soothe all types of \* \* \* Sinus Trouble and Hay Fever, etc."

On February 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28690. Misbranding of Kotofom. U. S. v. Kotofom Corporation of America. Plea of guilty. Fine, \$5 and costs. (F. & D. No. 39823. Sample No. 33334-C.)**

The labeling of this product bore false and fraudulent therapeutic and curative claims.

On January 19, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kotofom Corporation of America, South Bend, Ind., alleging shipment by said corporation in violation of the Food and Drugs Act as amended, on or about October 26, 1936, from the State of Indiana into the State of Wisconsin of a quantity of Kotofom which was misbranded. The article was labeled in part: "Kotofom Corporation of America, South Bend, Indiana."

Analysis showed that it consisted chiefly of water, soap, and a small amount of glycerin with minute amounts of fluorescein and a perfume.

The article was alleged to be misbranded in that statements, designs, and devices appearing in a booklet affixed to each can falsely and fraudulently represented its therapeutic and curative effectiveness as a healing agent and as a cure for severe cases of dandruff.

The information also alleged that it was misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment No. 1606 published under that act.

On February 7, 1938, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$5 and costs for violation of both acts.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28691. Misbranding of Salacetin Bell. U. S. v. 66 Bottles of Salacetin Bell. Default decree of condemnation and destruction. (F. & D. No. 41209. Sample Nos. 55333-C, 55346-C.)**

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On December 23, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 bottles of Salacetin Bell at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about October 6 and November 5 and 29, 1937, by Hollings-Smith